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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,560	09/01/2005	Stefano Cevenini	331.1087	1194

23280 7590 03/16/2007  
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NEW YORK, NY 10018

EXAMINER
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IZAGUIRRE, ISMAEL

ART UNIT	PAPER NUMBER
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3765

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/16/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/523,560		CEVENINI ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Ismael Izaguirre		3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-16 and 18-21 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

The examiner is appreciative of the changes made to the language of the claims and the submission of the drawings. These have been duly noted and considered.

### **CLAIMS**

#### **Summary**

Claims 10 and 20 are the independent claims under consideration in this Office action.

Claims 11-19 and 21 are the dependent claims under consideration in this Office action.

#### **Claim Rejections - 35 U.S.C. § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Lehrman '928.

Lehrman teaches a heat resistant ironing board cover comprising a cover material 22 (figure 2, for example) and a padding material 21 located underneath the cover material. The cover material is placeable onto an ironing board 50 where it is form-fittingly connectable to the ironing board via the padding as the padding contacts the ironing board. Further, the padding includes a hook and loop fastener 18. The hook

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and loop fastener includes a fabric backing for supporting the hook or loop material. Because the fabric hook and loop strip is sewn onto the padding, the fabric thereby includes perforations. The hook and loop material is attached to the underside of the padding and to the top surface of the ironing board proper and thus the cover is attached to the ironing board via the padding in a form fitting manner;

### **Remarks**

Applicant argues that the padding of Lehrman is not "an elastic padding". This is not so, the only defining characteristic of the "elastic padding" in applicant's disclosure is where applicant refers to prior art padding as being "elastic padding" (see page 1, paragraph 2). This prior art includes a foam padding and thus "elastic padding" can be made up of foam padding. Lehrman teaches foam padding (column 2, line 41) and as such comprises "elastic padding". Accordingly, Lehrman remains applicable.

Applicant argues that the padding of Lehrman is not "form-fitting" onto the ironing board. The claims include no further definition as to what "form-fitting" intends other than the usual meaning of a cover and padding which fit onto an ironing board in an intimate fashion, without substantial spacing, or separations between the padding and the ironing board surface. Since Lehrman teaches the bottom surface of the padding as including hook and loop fasteners and the top of the ironing board as including hook and loop fasteners which provide both corresponding/ cooperating surfaces with intimate contact then Lehrman does indeed teach "form-fitting" in its usual sense. Accordingly, Lehrman remains applicable.

Claims 10,14-16 and 19-21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Brodt '961.

Brodt teaches a heat resistant ironing board cover comprising gingham cover material 13 (figure 4, for example) and a padding material 1 located underneath the cover material. The cover material is placeable onto an ironing board 50 where it is form-fittingly connectable to the ironing board via the padding as the padding contacts the ironing board. Further, the padding material follows the contour of the ironing board and is provided with a bulging peripheral edge (figure 4 or 5) where it wraps about the peripheral edge of the ironing board with the stiffening muslin and cover material and is connected the ironing board in one instance by snaps 7, 8 with studs passable in recesses in the underside or bottom of the ironing board, or in another instance snaps 17 (figure 8). Further, Brodt teaches stitching and snap sockets, which provide the padding and cover with further stiffening. The snap sockets cooperate with the snaps for connecting the padding and cover to the ironing board via the padding.

#### **Remarks**

Applicant argues that the padding of Brodt is not "an elastic padding". This is not so. There is no further defining language in the claim that points away from the usual definition of an "elastic padding". The padding is taught a having bunching characteristics and therefore would have an inherent elasticity. This is also so as it is simply formed of a textile material and textile material will have a certain elasticity. As such, the padding of Brodt remains applicable.

Applicant argues that the padding of Brodt is not "form-fitting" onto the ironing board. The claims include no further definition as to what "form-fitting" intends other than the usual meaning of a cover and padding which fit onto an ironing board in an intimate fashion, without substantial spacing, or separations between the padding and the ironing board surface. Since Brodt teaches the bottom surface of the padding as being in intimate contact with the ironing board and teaches the padding as placeable over the edges and onto the bottom of the board and fastened thereto using snap fasteners then Brodt teaches "form-fitting" in its usual sense. Accordingly, Brodt remains applicable.

Claim 10 is rejected under 35 U.S.C. § 102(b) as being anticipated by Musker '700.

Musker teaches a heat resistant (metallic) ironing board cover comprising a fabric layer and a layer of resilient foam. The cover and the foam have an adhesive for bonding to the ironing board. The cover material is placeable onto the ironing board where it is form-fittingly connectable to the ironing board via the padding.

### **Remarks**

Applicant argues that the padding of Musker is not "an elastic padding". This is not so, the only defining characteristic of the "elastic padding" in applicant's disclosure is where applicant refers to prior art padding (Musker) as being "elastic padding" (see page 1, paragraph 2). This prior art includes a foam padding and thus "elastic padding" can be made up of foam padding. Musker teaches foam padding (column 2, line 41) and as such comprises "elastic padding". Accordingly, Musker remains applicable.

Applicant argues that the padding of Musker is not "form-fitting" onto the ironing board. The claims include no further definition as to what "form-fitting" intends other than the usual meaning of a cover and padding which fit onto an ironing board in an intimate fashion, without substantial spacing, or separations between the padding and the ironing board surface. Since Musker teaches the bottom surface of the padding as including an adhesive which provides an intimate contact with the surface of the ironing board. Musker remains applicable since it does indeed teach "form-fitting" in its usual sense.

***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Lehrman in view of Ruttenberg '984 and over Brodt in view of Ruttenberg.

Lehrman and Brodt, each on its own, discloses the invention substantially as claimed. See above for specific explanations of the structural details of these documents. Briefly, Lehrman and Brodt, each, teach an ironing board cover including a cover material over a padding, which in turn is form-fittingly, connected to the ironing

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board. However, Lehrman nor Brodt, do not specifically suggest the pad of the ironing board cover as being .2 to .5 cm (which is .07 to 1.97 inches).

Ruttenberg teaches an ironing board cover comprising an ironing pad with a cover material and a padding material 13. Ruttenberg teaches the padding material as being .25 to .75 inches thick.

It would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to construct the padding of Lehrman and Brodt, each on its own, as including a padding material of such thickness. Providing such a range of pad thicknesses would allow the optimizing of the thickness by extend the life of the product by better cushioning the iron being placed thereon and not damaging the fibers in the garment being ironed from lack of cushioning.

#### **ALLOWABLE SUBJECT MATTER**

Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **PERTINENT CITATIONS**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Williams illustrates an ironing board including a padding with cover. Mattesky et al. Illustrate an ironing board including a padding and a peripheral pocket and straps for form-fitting the cover to the ironing board.




### INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Izaguirre whose telephone number is (571) 272-4987. The examiner can normally be reached on M-F (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Ismael Izaguirre  
Primary Examiner  
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